

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3C to permit lot widths of 40' in lieu of the required 55'; sideyard setbacks of 6' & 8' in lieu of the required 10' each; rear yard setbacks of 27' in lieu of the required 30'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Present owner (widow) needs funds from the sale of 2 buildable lots to help pay costs of her moving to a life care center.
Proposed houses and lots will be developed identical to those in the surrounding neighborhood.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
Maurice O. Brown
(Type or Print Name)
Signature
10910 Harford Road
Address
Glen Arm, Maryland 21057
City and State

Legal Owner(s):
Charlotte N. Kajdi
(Type or Print Name)
Signature
10910 Harford Road
Address
Glen Arm, Maryland 21057
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Maurice O. Brown
Name
10910 Harford Road
Address
Glen Arm, MD 21057
Phone No. 592-6600

ORDERED By The Zoning Commissioner of Baltimore County, this 4th day of September, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of October, 1986, at 11:00 o'clock A.M.

(over)

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 2, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on October 2, 1986.

THE JEFFERSONIAN,

Susan Sander Obrecht
Publisher

Cost of Advertising

30.25

PETITION FOR SPECIAL HEARING AND ZONING VARIANCES
No. 87-167-SPHA
LOCATION: East Side of Birmingham Avenue, 12 feet South of the Centerline of Taylor Avenue (7801 and 7803 Birmingham Avenue)
DATE AND TIME: Wednesday, October 22, 1986, 11:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing. Purpose: The Special Hearing to approve a net lot area of 3,880 square feet in lieu of the required 6,000 square feet for each of two lots and to determine if density will not be affected.
Petition for Zoning Variance to permit lot widths of 40 feet in lieu of the required 55 feet, side yard setbacks of 6 feet and 8 feet in lieu of the required 10 feet, and rear yard setbacks of 27 feet in lieu of the required 30 feet.
Being the property of Charlotte N. Kajdi, as shown on plan filed with the Zoning Office.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order of:
ARNOLD JARLON
Zoning Commissioner
of Baltimore County
10002, Oct. 2

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a net lot area of 3,880 S.F. in lieu of the required 6,000 S.F. for each of two lots and a determination that density will not be affected.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
Maurice O. Brown
(Type or Print Name)
Signature
10910 Harford Road
Address
Glen Arm, Maryland 21057
City and State

Legal Owner(s):
Charlotte N. Kajdi
(Type or Print Name)
Signature
10910 Harford Road
Address
Glen Arm, Maryland 21057
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Maurice O. Brown
Name
10910 Harford Road
Address
Glen Arm, Maryland 21057
Phone No. 592-6600

ORDERED By The Zoning Commissioner of Baltimore County, this 4th day of September, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of October, 1986, at 11:00 o'clock A.M.

(over)

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th
Posted for: 2 weeks
Petitioner: Charlotte N. Kajdi
Location of property: 7801-7803 Birmingham Avenue, East Side of Taylor Avenue
Location of Signs: 7801-7803 Birmingham Avenue, East Side of Taylor Avenue
Remarks: Public Hearing to determine if density will not be affected.
Posted by: Arnold Jarlon
Number of Signs: 2
Date of return: 9/25/86

ORDER RECEIVED FOR FILING
Date: 9/25/86
By: [Signature]

IN RE: PETITION SPECIAL HEARING AND VARIANCES
S/S of Birmingham Avenue, 132' S of the c/l of Taylor Avenue (7801 and 7803 Birmingham Avenue) - 9th Election District
Charlotte N. Kajdi, Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit lot widths of 40 feet in lieu of the required 55 feet, side yard setbacks of 6 feet and 8 feet in lieu of the required 10 feet, and rear yard setbacks of 27 feet in lieu of the required 30 feet, as more more particularly described on Petitioner's Exhibit 1, and additionally, an interpretation that the resultant net lot area of 3,880 square feet does not adversely impact density.

The Petitioner appeared and testified. Mr. and Mrs. Maurice Brown, the Contract Purchasers, also testified. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.5.5 and located on Birmingham Avenue, consists of four 20-foot wide lots, each 97 feet long. The lots are part of the Parkville Heights subdivision, recorded among the Land Records of Baltimore County in the 1930's or early 1940's, prior to zoning. The Petitioner's late husband purchased Lots 429, 430, 431, and 432 in 1946 and never improved them. She now wishes to sell them in order to raise money to help defray the cost of eventually moving into a life care center. She proposes to combine the four lots into two 40' x 97' building lots, each containing 26' x 41' building envelopes, thereby necessitating side yard setbacks of 6 feet and 8 feet on each lot, with each having a rear yard setback of 27 feet.

ORDER RECEIVED FOR FILING
Date: 9/25/86
By: [Signature]

of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

There is no question that the subdivision here was vested prior to the implementation of the 1955 Regulations. Although these particular lots were not improved, the size of the proposed lots conforms to those lots improved long ago.

The issue as to lot area is whether the 1955 Regulations are applicable. The answer is no. The subdivision was recorded prior to the adoption of the zoning regulations, and there is no question that the subdivision is vested. Although these particular lots were not improved, most of the others were, and certainly the development of this subdivision on 40-foot lot widths and 97-foot lot lengths requires approval here.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances and relief prayed for should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of October, 1986, that the Petition for Zoning Variances to permit lots widths of 40 feet in lieu of the required 55 feet, side yard setbacks of 6 feet and 8 feet in lieu of the required 10 feet, and rear yard setbacks of 27 feet in lieu of the required 30 feet be and is hereby GRANTED, and additionally, that the resultant net lot area of 3,880 square feet does not adversely impact density and, as such, the Petition for Special Hearing is hereby GRANTED from and after the date of this Order.

Zoning Commissioner of Baltimore County

AJ/srl

ORDER RECEIVED FOR FILING
Date: 9/25/86
By: [Signature]

Most, if not all, of the 40-foot lots in this community have been improved with similar size dwellings, most having been constructed in the 1940's. The Contract Purchasers propose to construct one of the dwellings for their daughter and the other for their son.

The Petitioner seeks relief from Section 1802.3C, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR), and an interpretation of lot size as it affects density, pursuant to Section 500.7, BCZR.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use

- 2 -

cc: Ms. Charlotte N. Kajdi
Mr. Maurice O. Brown
People's Counsel

ORDER RECEIVED FOR FILING
Date: 9/25/86
By: [Signature]

- 4 -

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: September 18, 1986
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 87-167-SPHA

The subject proposal appears to exceed the density permitted by D.R. 5.5 zoning.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:sjm

RECEIVED
SEP 19 1986
ZONING OFFICE

CPS-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 13, 1986

Ms. Charlotte N. Kadii
2200 Taylor Avenue
Parkville, Maryland 21234

RE: Item No. 84 - Case No. 87-167-SPHA
Petition for a Special Variance and
Special Hearing

Dear Ms. Kadii:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

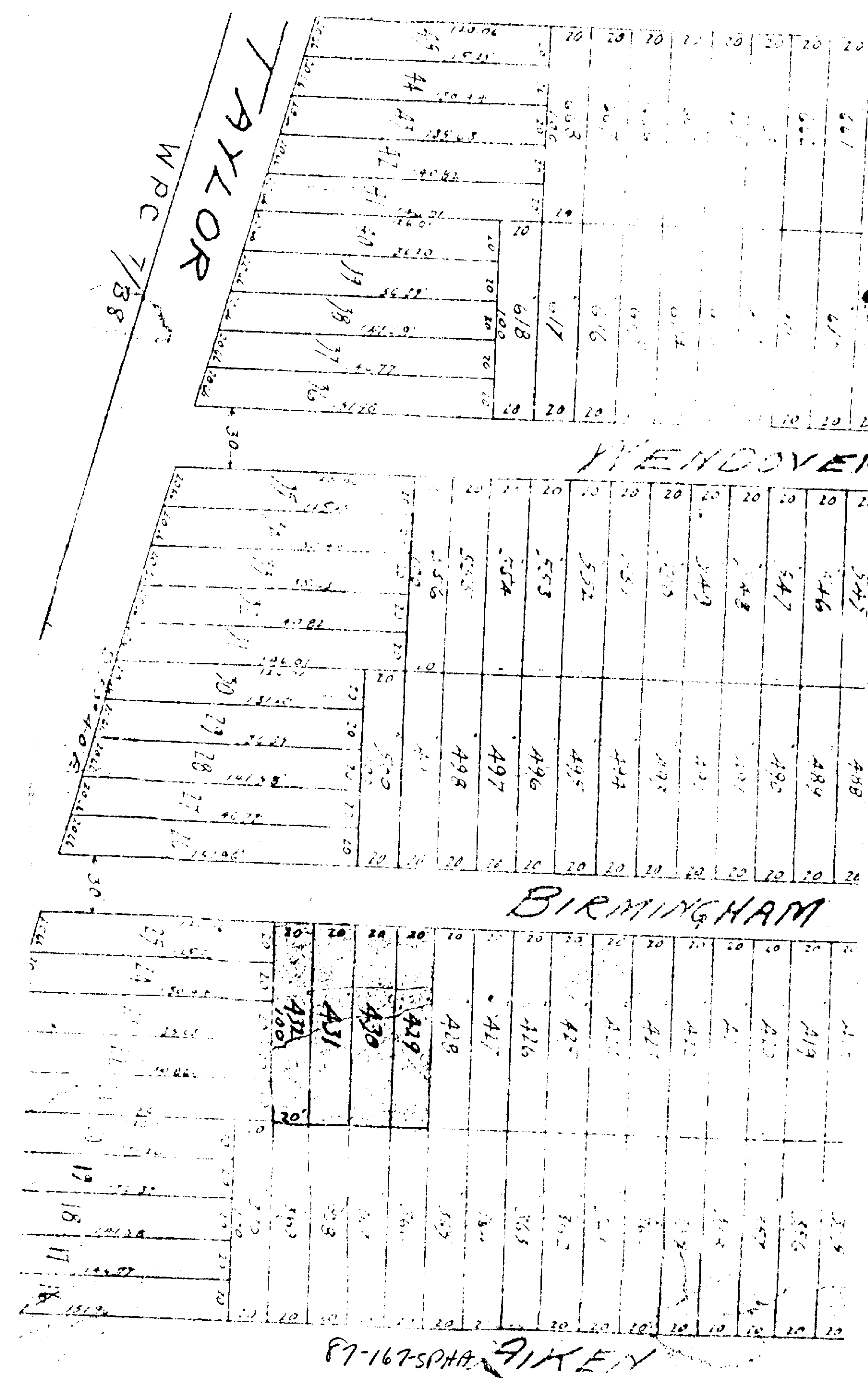
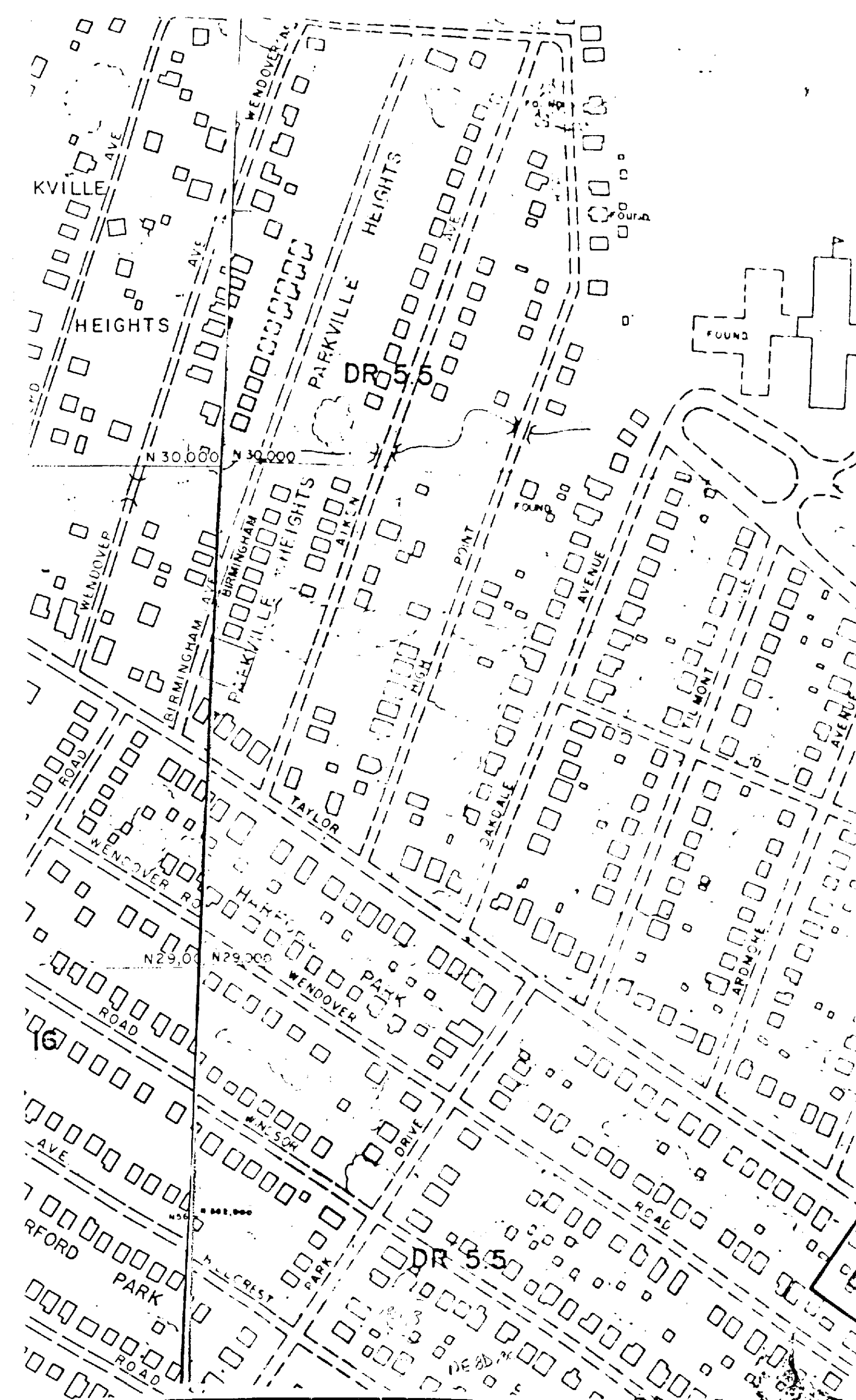
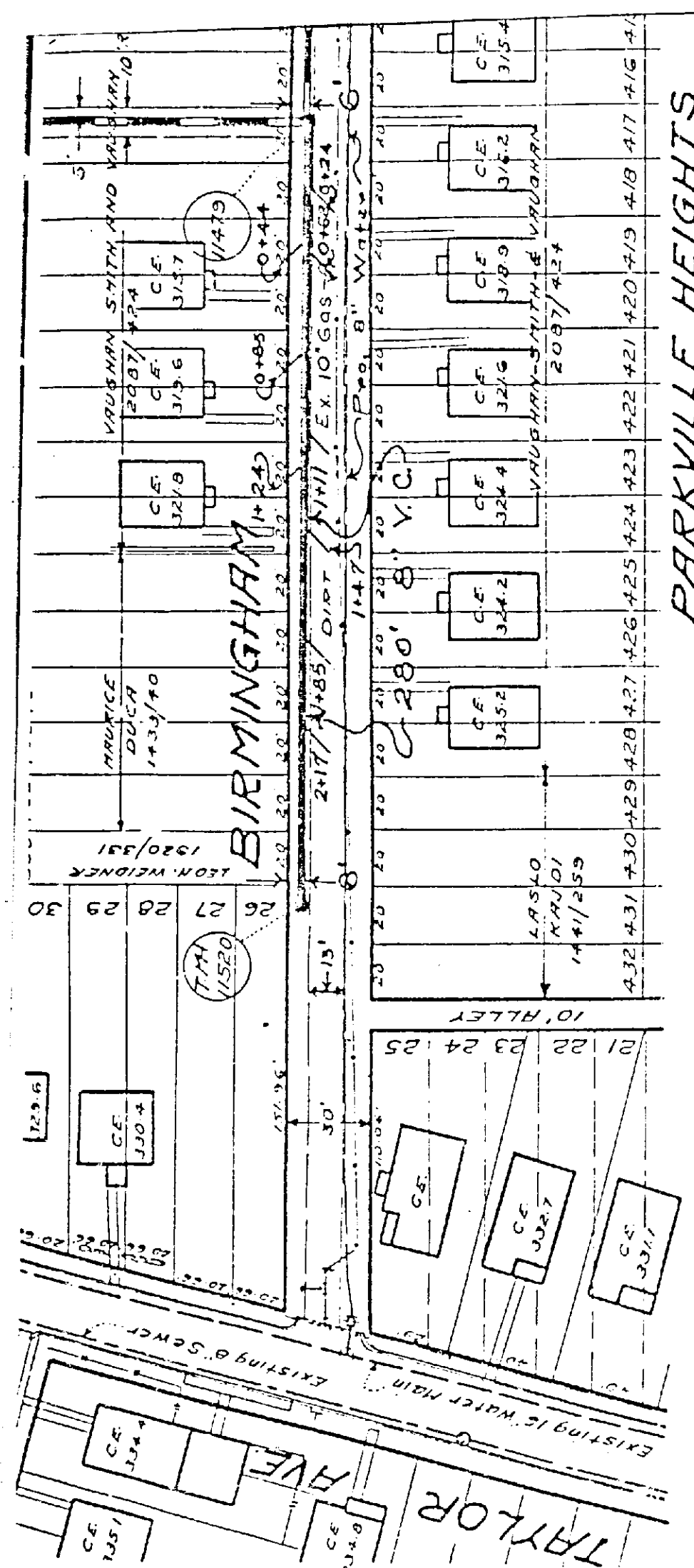
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: Mr. Maurice O. Brown
10910 Harford Road
Glen Arm, Maryland 21057

4405-691-63





BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

August 15, 1986

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 54 Zoning Advisory Committee Meeting are as follows:
Property Owner: Charlotte N. Kajdi
Location: E/S Birmingham Avenue, 132 feet S of c/1 Taylor Avenue
District: 9th.

APPLICABLE ITEMS ARE CIRCLED:

- A. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.
- B. A building and other miscellaneous permits shall be required before the start of any construction.
- C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- E. All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.
- G. The requested variance appears to conflict with Section(s) _____, of the Baltimore County Building Code.
- H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____, or to Mixed Use _____. See Section 315 of the Building Code.
- I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- J. Comments:
- K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Chumley
By: C. E. Chumley, Chief
Building Plans Review

L/22/86



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

September 5, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 59, 60, and 61.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF:lt



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

August 15, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

RE: Property Owner: Charlotte N. Kajdi
Location: E/S Birmingham Avenue 132' S. of centerline of Taylor Avenue
Item No.: 54 Zoning Agenda: Meeting of 8/19/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *John F. O'Neill* Noted and Approved:
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

SEPTEMBER 15, 1986

Re: Zoning Advisory Meeting of August 19, 1986
Item # 54
Property Owner: CHARLOTTE N. KAJDI
Location: E/S BIRMINGHAM AVE. 132'
S. OF TAYLOR AVE.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on _____.
- () Landscaping: Must comply with Baltimore County Landscape Manual.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments:

cc: James Hoswell

David Fields, Acting Chief
Current Planning and Development